



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date 07/08/04
Agenda Item 2

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Use Permit No. PL-2004-0272 – Matthew Hamlet (Applicant) / Eden Properties (Owner) – Request to Operate a Tattoo and Piercing Parlor

The Property is Located at 22622 Mission Boulevard in the Central City Plaza/Central City-Commercial (CC-P/CC-C) Zoning Subdistricts

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines Section 15301, Class 1, Existing Facilities; and
2. Approve the application subject to the attached findings and conditions of approval

DISCUSSION:

The applicant proposes a tattoo and piercing shop, Russell City Tattoo, within a 3,000-square-foot, second-floor tenant space. The space is located within a two-story, 6,665-square-foot, Classical/Beaux Art-style structure built in 1916 and located on the southeast corner of Mission Boulevard and B Street. Eden Jewelry & Loan, and Eden Jewelry Mart, are on the first floor. The building is surrounded by a variety of retail and service commercial shops in the *Central City-Plaza* and *Central-City Commercial Subdistricts*. A municipal parking structure is to the west across Mission Boulevard, and Newman Park is to the north across B Street.

A tattoo parlor is listed as a conditional use in both the *Central City-Commercial* and *Central City-Plaza Subdistricts*. Conditional approval is required to assure that this use is permitted where there is a community need, to assure that the use is harmony with the area and with City policies. A tattoo parlor may be permitted only above the first floor in the *Central City-Plaza Subdistrict*. The Core Area Plan encourages pedestrian oriented uses on the first floor in the *Central City-Plaza Subdistrict*. These uses include cafes, bookstores, restaurants, clothing stores, personal services, professional offices, and compatible businesses that generate foot traffic that are intended to insure that the ground floor of the Downtown Plaza buildings will remain publicly accessible.

The General Policies Plan Map designates this property as *Retail and Office Commercial*. This designation is used to indicate areas where office and retail commercial uses are encouraged and reflects a variety of land uses. The proposed use meets the criteria as described in the Core Area Plan and the General Plan. To assure continued compliance, all conditions of approval are required to be completed before the onset of business. Staff is of the opinion that the tattoo and piercing parlor is compatible with the uses in the building and the surrounding commercial uses.

Project Description

The applicant, Mr. Hamlet, would offer artistic tattooing and body piercing. He has ten years of experience from working at three tattoo shops in San Francisco and Oakland. He would have up to four tattoo artists and two piercers working with him. Each artist has at least ten years of experience and the piercers each have at least eight years of experience. His establishment would include four cubicles for tattooing and two for piercing (see Attachment B for the floor plan). An art gallery would be at the front of the establishment in the reception area. Jewelry, and tattoo, piercing and art portfolios would be displayed in cases in the gallery. An employee lounge would be located to the rear of the establishment. The Police Department recommends that each cubicle be equipped with a locker that could be used by customers to store their personal property. This has been included as a condition of approval.

The proposed hours of operation would be from noon to 10:00 pm Monday through Saturday. As a condition of approval, the applicant is required to verify that all customers are 18 years of age by the way of valid identification. In addition, the applicant is required to post signs stating that no persons under the age of 18 years are permitted on the premises. The owner of Russell City Tattoo has submitted an example of the standard release form to be signed by each customer (Attachment C).

The addition of a tattoo parlor is expected to generate very few vehicle trips. The applicant anticipates approximately six tattoo customers and four piercing customers a day. Customer parking would be available in the private parking lot located behind the building with an entrance on Mission Boulevard, in the municipal parking structure across Mission Boulevard, or on the street. The pedestrian entrance to the second floor of the building is from Mission Boulevard.

In order to operate a tattoo parlor in Alameda County, all applicants are required to submit applications to Alameda County Department of Environmental Health. Mr. Hamlet submitted his application in April 2004 (Attachment D). As part of the application process, a designated medical waste hauler to dispose of the needles used for the procedures is required to be disclosed to Department of Environmental Health. All tattoo artists must be 18 years of age at the time of application. In addition, applicants must provide proof of vaccination or evidence of immunity of Hepatitis B or provide a certificate of proof of vaccination. All applicants must demonstrate to the Department of Environmental Health, by examination, knowledge of basic tattooing techniques, health and safety precautions, and sanitation and sterilization techniques designed to prevent cross contamination. Furthermore, proof of completion of a Local Enforcement Agency approved health and safety class is required to be provided.

The City of Hayward participates in the Hayward New Start Tattoo Removal Program. This program serves youth from the ages 13 to 25 and provides removal of visible gang and drug related tattoos. The goals of the program are to connect with youth, raise self-esteem, increase job opportunities, and increase personal safety of participants. Staff does not feel that approval of this request is contrary to the goals of this program.

Environmental Review

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, Existing Facilities.

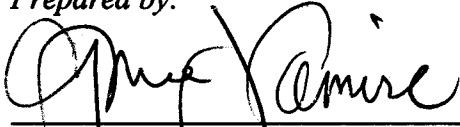
Public Notice

On May 19, 2004, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Chamber of Commerce, Downtown Improvement Advisory Board, and Hayward Area Planning Association. Staff received four emails in opposition to the tattoo parlor from the one resident and three Downtown Business owners (Attachment E). They feel that the tattoo and piercing parlor will bring the wrong element into the Downtown. The Police Department is not opposed to the use with the recommended conditions of approval. On June 25, 2004, a Notice of Public Hearing for the Planning Commission meeting was mailed.

CONCLUSION:

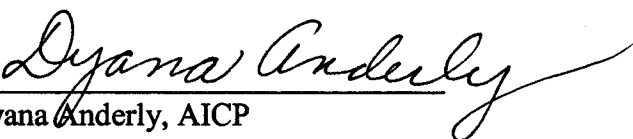
The use is compatible with the General Plan, the zoning districts and the Core Area Plan. It will generate few vehicle trips and will not create noise. It is the opinion of staff that it will have little or no impact on the adjacent commercial establishments.

Prepared by:



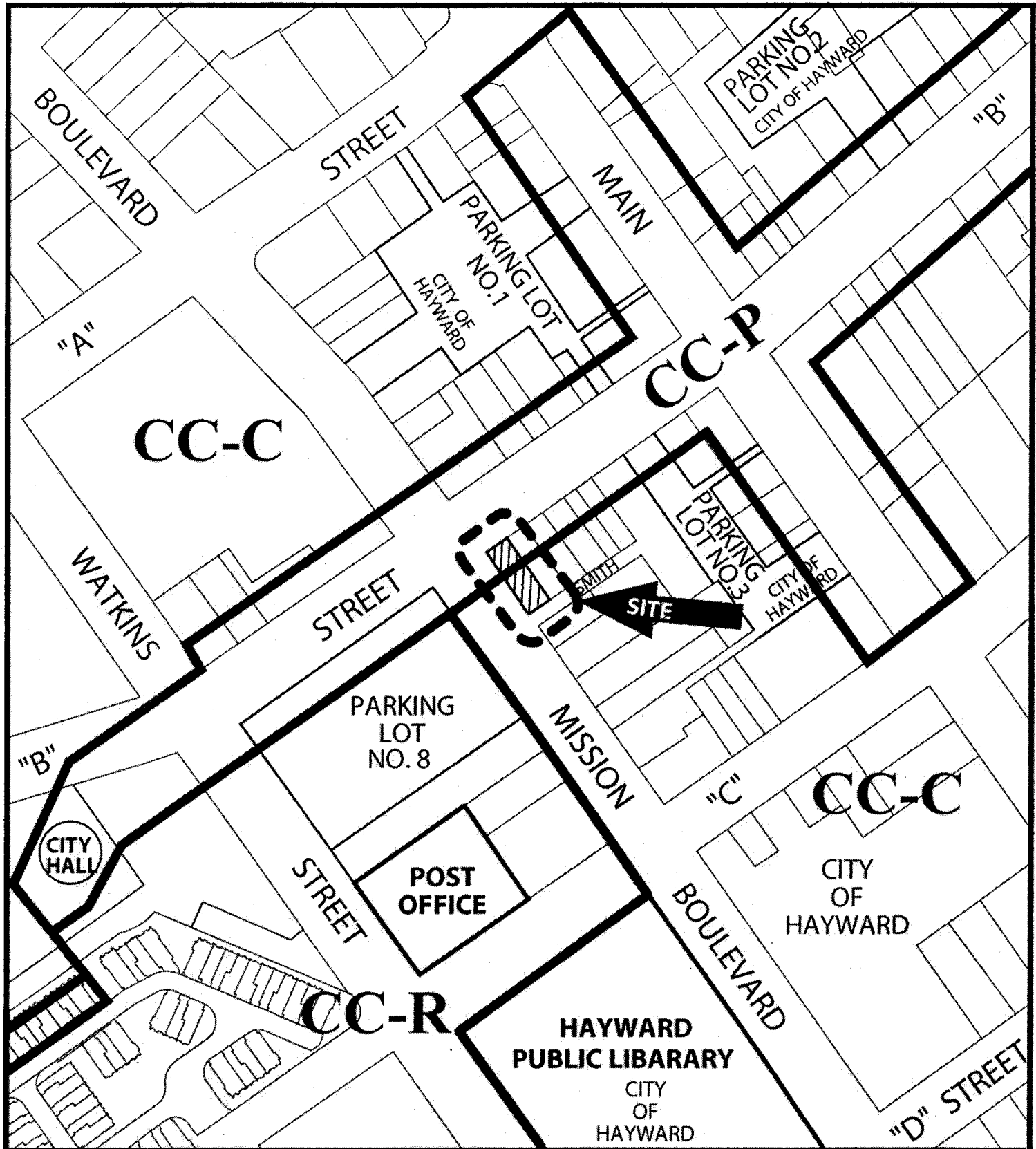
Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Floor Plan and Description
- C. Standard Release Form
- D. Alameda County Department of Environmental Health Application
- E. Emails in Opposition
- F. Findings for Approval
- G. Conditions of Approval



Area & Zoning Map

PL-2004-0272 UP

Address: 22622 Mission Blvd.

Applicant: Matthew Hamlet

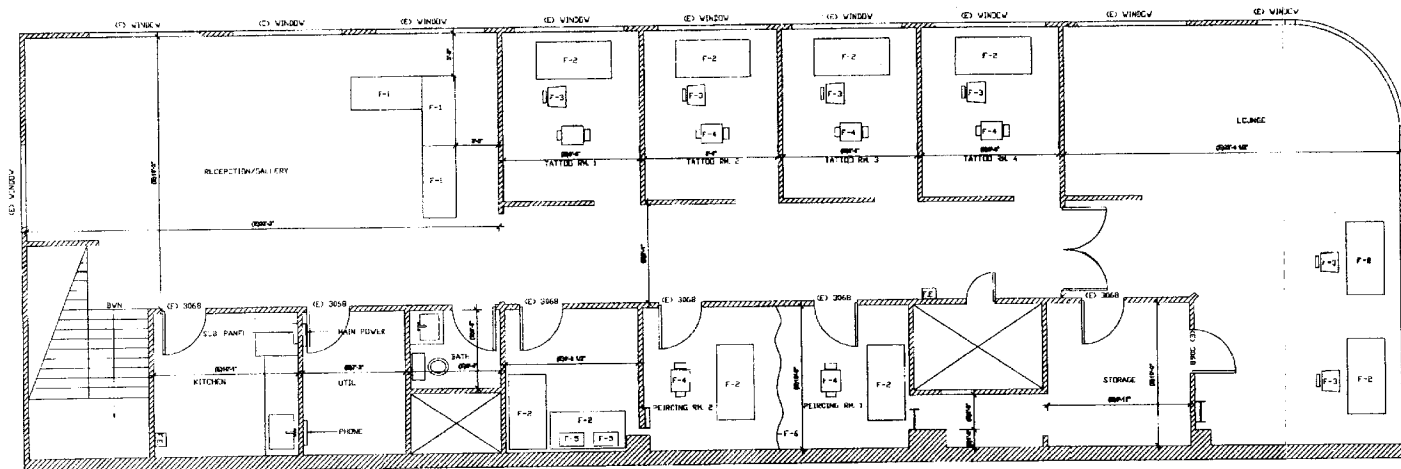
Owner: Eden Properties

CC-C-Central City-Commercial

CC-P-Central City-Plaza

CC-R-Central City-Residential





F-1 5'-0" DISPLAY CASE
 F-2 5'-0" TABLE
 F-3 5' HIGHER ROLLING CHAIR
 F-4 ADJUSTABLE CLIENT CHAIR
 F-5 AUTOCLAVE
 F-6 RECEPTION, GRADE CURTAIN
 EXITING WALL
 EXITING WINDOW

Project #
 PL-2004-0272 UP

RECEIVED

MAY 17 2004

PLANNING DIVISION

HAMLET DESIGN
 3245 MONIKA LANE
 HAYWARD, CA 94541
 510.582.5299
 HAMLET@HAMLETDESIGN.COM

Russ & City Tattoo
 22022 Mission Blvd
 Hayward CA 94541

DATE: 12/20/01
 DRAWN BY: [signature]
 CHECKED BY: [signature]
 JOB: 011201/BRIMPSON
 SHEET NO:
 OF 1

Project description:
Location 22622 Missions Blvd
Hayward, CA 94541

Use of existing second story, 22622-Mission blvd for Russell City Tattoo and Piercing Studio. Along with the tattoo and piercing studio there will also be a large art gallery to the East front of the existing space.

The South side of the proposed studio will inhabit four (4) tattoo areas separated by existing cubical walls. Each area will have one (1) table with light, power unit (for tattooing) ink bottles and various medical supplies. One (1) chair for the tattooist and one (1) chair for the customer.

The North side of the proposed studio will have two (2) piercing areas inhabiting one large existing room separated by a new medical grade curtain each area will have one (1) table with light, medical drawers, and one (1) chair for customers. There will also be an existing room used for sterilization this room will have two (2) tables two (2) chairs. The tables will hold one (1) autoclave, and needle making equipment.

The West side of the proposed studio will have one (1) existing room to be used as artist lounge and office the lounge will have two (2) small couches and a coffee table, the office will have two (2) desks and two chairs with room for two (2) filing cabinets.

The East side of the proposed studio will have a large room for reception and gallery

The gallery will have three (3) display cases for the display of jewelry, tattoo portfolios, piercing portfolios and art portfolios

The Northeast area will have an existing kitchen and utility room these rooms will not be altered in anyway.

Standard Release Form

I am at least 18 years of age. I do not have a heart condition. I do not have epilepsy. I do not have hepatitis. I am not a hemophiliac (bleeder). I am not under the influence of drugs or alcohol

To my knowledge, I do not have any physical, mental, medical impairment or disabilities that may affect my well being as a direct or indirect result of my decision to have any tattoo related work done at this time.

I agree to follow all instructions concerning the care of my tattoo while it is healing. I agree that any touch-up work needed, due to my own negligence, will be done at my own expense. I understand that if my skin pigment is dark, the colors will not appear as bright as they do on light pigmented skin.

Being of sound mind and body I hereby release any and all persons representing Russell City Tattoo (Also know as _____) from all responsibility. I accept any and all responsibility myself for any consequences that might stem from my decision to have any tattoo related work done by Russell City Tattoo.

I agree not to sue Russell City Tattoo or it's representatives in connection with any and all damages, claims, demands, rights, liens, and causes of action of whatever kind or nature, based upon injury or property damages to, or death of myself or any other person arising from my decision to have tattoo related work done at this time, whether or not caused by any negligence of Russell City Tattoo or its representatives.

I agree for myself, my heirs, assigns, and legal representatives to hold Russell City Tattoo and its representatives harmless from all damages, actions, causes of action, claim judgments, cost of litigation, attorney's fees, and all other costs and expenses which might arise from my decision to have any tattoo related work done by Russell City Tattoo or its representatives

I agree to pay for any and all damages and injuries to any and all persons and property belonging to Russell City Tattoo and its representatives, or to any other person whom Russell City Tattoo may become liable to contractually or by operation of law, caused by, or resulting from my decision to have any tattoo related work done by Russell City Tattoo.

I agree to leave the premises of Russell City Tattoo or any other establishment where Russell City Tattoo is engaged in business, promptly upon request, for any reason whatsoever, by an agent or employee of Russell City Tattoo.

I agree that these waivers also pertain to and are designed to protect any and all establishments where Russell City Tattoo conducts Business. I represent and warrant to Russell City Tattoo and its representatives that the following information is true and correct

Please Print

Name:	_____	_____	_____	_____	____/____/____
	First	last	Initial	Age	Date
Address:	_____	_____	_____	_____	_____
	Street	City	State	Zip	Phone

I have read and understand each of the above paragraphs

Signature: _____

ATTACHMENT C

APPLICATION FOR REGISTRATION TO PERFORM
TATTOOING, BODY PIERCING, OR PERMANENT COSMETICS
Pursuant to California Health and Safety Code, Chapter 7, Section 119300

Name			Phone Number	
HAMIST	MATTHEW	A	510. 760 4224	
Last	First	Middle Initial	Day	Evening
Business Name (if operating in additional facilities within this county please list name and addresses on back)				
RUSSELL CITY TATTOO				
Business Address				
22022 MISSION BLVD				
City, State, Zip				
HAYWARD CA 94541				
Mailing Address				
City, State, Zip				

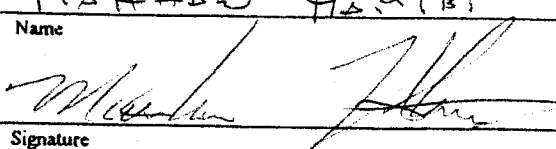
Please indicate the service that you will be providing:

--- **Tattooing** - Inserting pigment under the surface of the skin by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. This includes but is not limited to, eyeliner, lip color, camouflage, stencil designs and free hand designs

--- **Body Piercing** - The creation of an opening in the human body for the purpose of inserting jewelry or other decoration. This includes but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. Body piercing does not, for the purpose of this definition, include piercing the leading edge or earlobe of the ear with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

--- **Permanent Cosmetics** - The application of pigment to or under the skin of a human being for the purpose of permanently changing the color of other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

I declare that to the best of my knowledge the information that I have provided is true and accurate. I also agree to conform to all conditions, orders and directions, issued pursuant to the California Health and Safety Code, and all applicable County and City Ordinances.

MATTHEW HAMIST
Name

Signature

04/23/09
Date

From: EDNETTA@aol.com
Sent: Thursday, May 20, 2004 8:41 PM
To: Arlynn Camire
Subject: Fwd: tatoo/piercing studio
Arlynn:

As a long time resident of Hayward, a long time established Hayward businessman and a member of the Hayward Chamber Downtown Committee, I strongly oppose letting a tatoo/piercing stduio locate above the Eden Jewelry.

Edgar L. King
Omega Insurance Service
1525 B St.
Hayward, CA 94541

From: SRUBIOLLO1@aol.com

Sent: Thursday, May 20, 2004 5:08 PM

To: PeggyC@hayward.org; tmartinez@bankofthewest.com; Richard127@aol.com;
czaballos@pacbell.net; EDNETTA@aol.com; gebhard@cyclepathhayward.com;
Brewn4u@aol.com; medchest@pacbell.net; HaywdHist@aol.com;
curveshayward@sbcglobal.net; Larry Bird; Peggyc@hayward.org;
rtipton@amhotels.com; SRUBIOLLO1@aol.com; scottr@hayward.org; Gail
Lundholm; Jamie Hurley; owner@cyclepathhayward.com; LLoyd Lowe; Paul
Dalmon; Arlyne Camire
Subject: Re: tatoo/piercing studio

<< Arlyne J. Camire, AICP, Associate Planner
City of Haywrd, Planning Division
777 "B" Street
Hayward CA 94541
510/583-4206

>>

I received a post card today regarding the tatoo parlor that is being considered to be put upstairs in the Eden Jewellery Building. I STRONGLY OPPOSE THIS TYPE OF BUSINESS IN THE DOWNTOWN AREA. I had one of those type business above my studio at 1022 B. Street and there was trouble there all of the time. Check with the Hayward Police Dept. and I am sure they can supply you with all of the problems we had there. The city just spent 3 million dollars on the sidewalks trying to give the city a good appearance and we certainly do not need to draw those sleazy characters from all over the county to downtown Hayward. PLEASE DO NOT LET THIS HAPPEN.

Steve Rubiolo
STEVE RUBIOLO PHOTOGRAPHY

From: Kelly Spillane [curveshayward@sbcglobal.net]
Sent: Friday, May 21, 2004 2:02 PM
To: Arlynn Camire
Subject: Re: tattoo/piercing studio

Dear Arlynn,

As a small business owner in the downtown Hayward area, I would like to express that I am opposed to allowing this type of business to operate in the proposed location. The downtown area has improved greatly through hard work, planning and lots of money. I believe bringing this type of establishment into the area would undermine the progress made and bring an unsavory element back to the area.

Please do not allow this business to open in this area.

Kelly Spillane
Curves
780 B Street
Hayward, CA 94541
510-538-5588

From: "Peggy Collett" <PeggyC@hayward.org>
Date: Thu, 20 May 2004 15:04:14 -0700
To: <tmartinez@bankofthewest.com>, <richard127@aol.com>, <czaballos@pacbell.net>, <ednetta@aol.com>, <gebhard@cyclepathhayward.com>, <brewn4u@aol.com>, "Jim Cohen (E-mail)" <medchest@pacbell.net>, "Jim DeMersman (E-mail)" <HaywdHist@aol.com>, <curveshayward@sbcglobal.net>, "Larry Bird (E-mail)" <larry.bird@ci.hayward.ca.us>, "Peggy Collett (E-mail)" <PeggyC@hayward.org>, "Rick Tipton (E-mail)" <rtpipton@amhotels.com>, "Steve Rubiolo (E-mail)" <SRUBIOL01@aol.com>, "Scott Raty" <scottr@hayward.org>, "Gail Lundholm" <gail.lundholm@hayward-ca.gov>, "Jamie Hurley" <jamie.hurley@hayward-ca.gov>, "Joel Davis" <owner@cyclepathhayward.com>, "Lloyd Lowe" <lloyd.lowe@hayward-ca.gov>, "Paul Dalmon" <paul.dalmon@hayward-ca.gov>
Subject: tatoo/piercing studio

The chamber has received a postcard from the city stating that a request has been received to operate a tatoo and piercing studio above Eden Jewelry and

From: Joel Davis (Cyclepath) [joel@cyclepathhayward.com]

Sent: Thursday, May 20, 2004 5:18 PM

To: Arlynne Camire

Cc: 'Peggy Collett'; tmartinez@bankofthewest.com; richard127@aol.com; czaballos@pacbell.net; ednetta@aol.com; gebhard@cyclepathhayward.com; brewn4u@aol.com; 'Jim Cohen (E-mail)'; 'Jim DeMersman (E-mail)'; curveshayward@sbcglobal.net; Larry Bird; 'Rick Tipton (E-mail)'; 'Steve Rubiolo (E-mail)'; 'Scott Raty'; Gail Lundholm; Jamie Hurley; 'Joel Davis'; Paul Dalmon; LLOYD Lowe

Subject: RE: tatoo/piercing studio

Arlynne,

Cyclepath Hayward is strongly opposed to this type of business at this location.

Please let us that oppose this request know how we can assist you in preventing this type of business from moving into this location.

Regards,

Joel Davis

Cyclepath Hayward

510-881-5177

-----Original Message-----

From: Peggy Collett [mailto:PeggyC@hayward.org]

Sent: Thursday, May 20, 2004 3:04 PM

To: tmartinez@bankofthewest.com; richard127@aol.com; czaballos@pacbell.net; ednetta@aol.com; gebhard@cyclepathhayward.com; brewn4u@aol.com; Jim Cohen (E-mail); Jim DeMersman (E-mail); curveshayward@sbcglobal.net; Larry Bird (E-mail); Peggy Collett (E-mail); Rick Tipton (E-mail); Steve Rubiolo (E-mail); Scott Raty; Gail Lundholm; Jamie Hurley; Joel Davis; Lloyd Lowe; Paul Dalmon

Subject: tatoo/piercing studio

The chamber has received a postcard from the city stating that a request has been received to operate a tatoo and piercing studio above Eden Jewelry and Loan, 22622 Mission Blvd. at B Street.

If you would like to comment on this project, please do so by next Wednesday, May 26, 2004 to:

Arlynne J. Camire, AICP, Associate Planner
City of Haywrd, Planning Division
777 "B" Street
Hayward CA 94541
510/583-4206

Regards,

Peggy at the Chamber

FINDINGS FOR APPROVAL
Use Permit Application No. PL-2004-0272
Matthew Hamlet (Applicant)
Eden Properties(Owner)
22622 Mission Boulevard

1. The proposed project is Categoricaly Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.
2. The tattoo and piercing parlor is desirable for the public convenience or welfare in that residents and customers with body adornment needs will be accommodated.
3. Tattoos and body piercing are socially acceptable forms of body adornment. Therefore, the tattoo and piercing parlor will not impair the character and integrity of the adjacent commercial businesses and zoning districts. In addition, the use will generate few vehicle trips per day.
4. The tattoo and piercing parlor will not be detrimental to the public health, safety, or general welfare in that qualified tattoo artists and piercers will observe sanitary and safe practices. In addition, all needles will be disposed in an appropriate manner by a qualified medical wastes hauler as required by the Alameda County Department of Environmental Health.
5. The tattoo and piercing parlor will be in harmony with applicable City policies of the Core Area Plan; a Component of the Downtown Hayward Design Plan and the General Plan in that retail uses that generate less foot traffic are to locate on above the first floor.

CONDITIONS OF APPROVAL
Use Permit Application No. PL-2004-0272
Matthew Hamlet (Applicant)
Eden Properties(Owner)
22622 Mission Boulevard

1. Use Permit Application No. PL-2004-0272 is approved subject to the conditions listed below. This approval is void one year after the effective date of approval unless the business has been established in accordance with these conditions of approval or unless an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior June 8, 2005.
2. The tattoo and piercing parlor shall observe appropriate sanitary practices include proper disposal of materials used during the tattoo process. In addition, the tattoo artist is required to meet all of the requirements of the County of Alameda Environmental Health Department, including registration as a tattoo artist and present evidence thereof to the City Of Hayward prior to onset of business.
3. Signs shall be limited to one window sign per street frontage, one blade sign not greater than 6 square feet in area, and one directory sign on the street entry door not greater than 6 square feet in area; the window signs shall not cover more than 25 percent of the glazed area. No wall or sidewalk display signs are permitted. A sign permit shall be required prior to installation, which requires review by the Citizens Advisory Board. Colors and lettering of all signs shall be compatible with the architectural style and colors of the building. A logo may comprise up to 20 percent of the total area of each sign.
4. The property owner and applicant shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, driveway and parking area. The premises shall be kept clean and free of weeds, and prior to occupancy any weeds located along the base of the building on the south side shall be removed. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
5. The business hours shall be 12:00 pm to 10:00 pm. If the applicant wishes to extend business hours, the Planning Director shall review and act on any changes.
6. Post a sign at each entrance that states, "No Persons Under Age of 18 Years Permitted."
7. Post Penal Code 653 PL within unobstructed view to customers.
8. Post the business license and California Department of Health Certificate in clear unobstructed view to the public.

9. Post the appropriate health warning within the customer areas of the business.
10. A lockable locker or a lockable storage cupboard shall be provided in each cubicle for customers to secure their belongings while using the services of the business.
11. If this is a building equipped with automatic fire sprinklers, and tenant improvements are performed, appropriate measures for altering the fire sprinkler system shall be submitted to the Fire Department for review and approval.
12. Portable fire extinguishers shall be installed within the tenant space. Minimum size and type of fire extinguisher shall be 5 lb., dry-chemical, with a rating of 2A:10BC. Fire extinguishers shall be installed in accessible locations as approved by the Fire Department.
13. The applicant is responsible for contacting the City of Hayward Hazardous Materials Office for further regulations on medical waste disposal laws, as they pertain to City, County and State regulations. Contact Hugh Murphy at (510) 583-4924.
14. A building (or tenant space) address shall be installed in a location on the front of the building to be visible from the Mission Boulevard. Minimum size of numbers shall be 6-inches high on a contrasting background.
15. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.